

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V

Ricardo McHORNE, et al.,

Defendant.

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)CASE NO. 00-6311-CR-HUCK

DEFENDANT RICARDO MCHORNE'S
MOTION FOR DISCOVERY

COMES NOW the Defendant, Ricardo McHORNE, by and through undersigned counsel, and moves this Honorable Court for a formal Order for Discovery by the Defense under and fully in accord with Brady v. Maryland, 373 U.S. 83 (1963).

In *Brady*, the Supreme Court set forth: "(t)he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87, 83 S. Ct., at 1196, 10 L.Ed.2d at 218.

This discovery is to include all information and testimony that can be

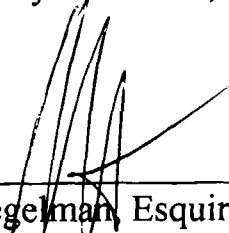
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considered exculpatory to the defense in this matter. Any statements, confessions, witnesses, or evidence useful for impeachment shall be included. Additionally, any evidence controlled by the investigating agencies should be required to be disclosed to the defense. Any evidence material to either guilt or to punishment shall be required to be disclosed, in accordance with the Fourteenth Amendment, and "Brady", id.

We respectfully request this Honorable Court issue an Order for Discovery in compliance with the defense's request.

The undersigned counsel certifies that he has conferred with Assistant U.S. Attorney MICHAEL DITTO, opposing counsel, in a good faith effort to resolve by agreement the subject matter of this Motion.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was mailed this February 12, 2001 to the following:

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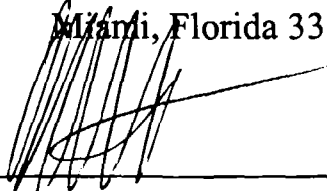
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